

**7. FULL APPLICATION – DEMOLITION OF THE EXISTING WORKSHOP AND ERECTION OF AN AFFORDABLE LOCAL NEEDS DWELLING WITH ASSOCIATED WORKS INCLUDING WORKS OF HARD AND SOFT LANDSCAPING, LAND AT TOP LANE, TIDESWELL (Grid Ref 414948/376448 - NP/DDD/0819/0854, SPW)**

**APPLICANT: MR AND MRS BOARDMAN**

**Summary**

1. The proposal is for the demolition of a shed and erection of a local needs affordable house in the countryside 100m beyond the edge of Tideswell village. The proposal would result in the removal of some trees, alterations to the access, building of a detached dwelling in a large plot. Being neither in nor on the edge of the settlement the proposal is unacceptable in principle and is recommended for refusal. There are other more detailed issues with the proposal in relation to size of the plot and landscape impact which lead to additional reasons for refusal.

**Site and Surroundings**

2. The site is located on Top Lane (a non-classified road) in the general countryside approximately 100m north of the edge of the settlement of Tideswell. To the north of the site there is a bungalow, it is otherwise surrounded by fields. To the south of the access, outside the site area, there is a yard area which is currently subject of an enforcement enquiry. There is a small field barn on the other side of the road in the field to the east.
3. The site itself has many mature trees. These contribute positively to the character and appearance of the area. The largest of which is a sycamore at the front of the site close to the access. There are also horse chestnut and ash on the site. Most of the site has a ground covering of scrub.
4. There is a dilapidated timber building at the front of the site. Whilst planning permission for this structure does not appear on the planning history, it does reveal it was used as a tool shed for storing implements associated with the horticultural use of the site (S336 of the Planning Act 1990 includes horticulture in the definition of agriculture). The site is therefore not 'Previously Developed Land' as defined in the NPPF and the Development Management Policies, as agriculture is specifically excluded from the definition.
5. The site has its own access via an agricultural timber gate. The site wraps around the aforementioned yard area.
6. The site is not within a conservation area and there are no listed buildings within the immediate vicinity.

**Proposal**

7. The proposal is for the erection of a single affordable dwelling to meet a local need. As submitted the proposed dwelling has 4 bedrooms (one en-suite), a bathroom, dining kitchen, living room and a garage and store.
8. As submitted the gross internal floor area of the dwelling including the garage and storage area is approximately 120m<sup>2</sup>. With a site area of approximately 804m<sup>2</sup>.
9. Amended plans have been submitted '1909/03B' & '1909/01A' which reduce the size of the dwelling to 84m<sup>2</sup> and the proposed residential curtilage to 652m<sup>2</sup>.
10. It is proposed that the walls would be constructed of random rubble limestone with

gritstone detailing, with a natural blue slate roof and the windows and doors would be of timber construction with a painted finish.

11. The proposal shows that an access gate would be set back from the highway 5m with a fully bonded surface up to that point and that 5 trees would need to be removed. Including the large sycamores at the front of the site. The dwelling itself would be set back approximately 14m from the highway.

### **RECOMMENDATION:**

**That the application be REFUSED for the following reasons**

1. **The site is not located in or on the edge of a named settlement. The provisions for new build local needs affordable housing in the development plan is limited to within or on the edge of named settlements. The proposal for a new build local needs affordable house in the open countryside is therefore unacceptable in principle as it is contrary to the development strategy in Core Strategy policy DS1 and Development Management Policies DMH1, DMC4(B) and the NPPF (para 77, 78, 79 and Para 172).**
2. **Due to the plot size and resultant housing density the proposal is contrary to Core Strategy Policy CC1 as it is an inefficient use of land. Due to the plot size, location and type of dwelling proposed it is also contrary to Core Strategy Policy HC1, Development Management Policy DMH1 and the NPPF as it would not optimise the affordability of the property in perpetuity.**
3. **The proposed development would have an adverse impact on the character and appearance of the area and the National Parks Landscape. The proposal is therefore contrary to Core Strategy Policies GSP1, GSP3, L1, Development Management Policies DMC3, DMC4, DMC13B and the NPPF.**

### **Key Issues**

- Is the site one which is in a suitable location for Local Needs Affordable Housing having regard to DS1, HC1, DMC4 & DMH1
- Whether there is justification for the proposed local needs affordable housing and whether the proposed housing is in accordance with HC1 and DMH1
- Whether the proposed occupants meet the local occupancy criteria
- Whether the proposed dwellings are of a size and type which would be likely to remain affordable in perpetuity
- Design, siting and landscape impact.

### **History**

1972 - Outline Planning application refused for the erection of a bungalow on the adjacent site to the north as the site is outside the confines of the existing settlement of Tideswell, widely visible from public viewpoints to the east, development in this location would localise and intensify existing scattered development to the detriment of the rural character of the area, blurring further the distinction between the village and open countryside.

2009 pre application advice – The letter to the authority indicated that at that time the

owners considered the plot of land to be used for horticultural purposes the shed being used to store implements used on the site. The advice given explained that the site is in open countryside outside the settlement of Tideswell and in general not suitable for housing (including Affordable Housing).

2019 Pre application advice 36282 - Advised that site is outside of Tideswell and therefore we would not support the erection of an affordable dwelling in principle. Advised to look at alternative sites within settlements. Advised on policy and the information requirements if they are to pursue an application.

### **Consultations**

12. Highway Authority – No objections subject to the following conditions –

1. Prior to first occupation of the dwelling, the entire site frontage shall be cleared, and maintained thereafter clear, of any obstruction exceeding 1m in height (600mm for vegetation) relative to the road level for a distance of 2m into the site from the highway boundary in order to maximise the visibility available to drivers emerging onto the highway.

2. Prior to first occupation of the dwelling, space shall be provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents' vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

3. There shall be no gates or other barriers within 6m of the nearside highway boundary and any gates shall open inwards only.

13. District Council – No response to date.

14. Tideswell Parish Council – Support the application and have no objections.

### **Representations**

15. 7 representations have been received in support of the application

16. Support is on the following grounds –

- Will enable a local family to stay in the area.
- The design is sympathetic and the sustainability measures are positive.
- It will not be detrimental to the village or landscape due to the existing housing/buildings on the area and the number of trees
- Affordable properties for local people should be supported both in and on the edge of the village
- It will enhance the untidy plot of land.
- Maintenance to the trees will keep them in a healthy condition
- Will help sustain the local community and businesses as the village is becoming dormant with second homes and holiday homes.

### **Main Policies**

## National Planning Policy Framework

17. The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect, the revised version was published in 2019. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the Authority's Core Strategy 2011 and the Development Management Policies 2019. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and Government guidance in the NPPF.
18. Para 172. Of the NPPF states that 'great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.'
19. Para 77 In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.
20. Para 78 To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
21. Para 79 Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
  1. there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
  2. the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
  3. the development would re-use redundant or disused buildings and enhance its immediate setting;
  4. the development would involve the subdivision of an existing residential dwelling; or
  5. the design is of exceptional quality, in that it:
    - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
    - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

22. NPPF defines **rural exceptions** site as the following, Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection.
23. The NPPF defines **Previously developed land** as the following: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

### **Peak District National Park Core Strategy**

24. The most relevant policies of the Core Strategy to the principle of the proposal are DS1 and HC1.
25. Policy DS1 sets out the Development Strategy for the National Park. Part D explains that in named settlements which includes 'Tideswell' there is additional scope to maintain and improve the sustainability and vitality of communities. In or on the edge of these settlements amongst other things new building development for affordable housing is acceptable.
26. HC1 says that exceptionally, new housing can be accepted where the proposals would address eligible local needs and would be for homes that remain affordable with occupation restricted to local people in perpetuity. The provisions of HC1 are supported by policy DH1, DH2 and DH3 of the Development Management Policies, which gives more detailed criteria to assess an application for a newly-built housing, which is intended to be affordable and meet local need and occupancy criteria.
27. Other relevant policies include –
28. Policy GSP1 sets out the broad strategy for achieving the National Park's objectives having regard to the Sandford Principle, (that is, where there are conflicting desired outcomes in achieving national park purposes, greater priority must be given to the conservation of the natural beauty, wildlife and cultural heritage of the area, even at the cost of socio-economic benefits). GPS1 also sets out the need for sustainable development and to avoid major development unless it is essential, and the need to mitigate localised harm where essential major development is allowed.
29. Policy GSP3 sets out development management principles and states that all development must respect, conserve and enhance all valued characteristics of the site and buildings, paying particular attention to, amongst other elements, impact on the character and setting of buildings, scale of the development appropriate to the character and appearance of the National Park, design in accordance with the National Park Authority Design Guide and impact on living conditions of communities.

### 30. GSP4: Planning conditions and legal agreements

To aid the achievement of its spatial outcomes, the National Park Authority will consider the contribution that a development can make directly and/or to its setting, including, where consistent with government guidance, using planning conditions and planning obligations.

### 31. CC1: Climate change mitigation and adaptation

In order to build in resilience to and mitigate the causes of climate change all development must:

- A. Make the most efficient and sustainable use of land, buildings and natural resources.
- B. Take account of the energy hierarchy by:
  - I. reducing the need for energy;
  - II. using energy more efficiently;
  - III. supplying energy efficiently; and
  - IV. using low carbon and renewable energy.
- C. Be directed away from flood risk areas, and seek to reduce overall risk from flooding within the National Park and areas outside it, upstream and downstream.
- D. Achieve the highest possible standards of carbon reductions.
- E. Achieve the highest possible standards of water efficiency.

### **Development Management Policies**

32. The most relevant development management policies to the principle of the proposal are DMC4, DMH1, and DMH2. DMH11 is also particularly relevant as it relates to the need for S106 agreements if the scheme were permitted. These policies are set out in full below, including some pre text. Other relevant policies are referenced in the relevant sections of this report.

### 33. DMC4 Settlement limits

- C. Planning applications should provide sufficient information to allow proper consideration of the relationship between a proposed development and the settlement's historic pattern of development including the relationship of the settlement to local landscape character. The siting of the development should complement and not harm the character of these settlements.
- D. Development that is separated from the existing settlement to such a degree that it no longer forms part of the whole, or is likely to result in pressure to infill an intervening gap, will not be permitted.

34. Para 6.25 explains where an individual is proposing to build homes for wider housing need (more than one), and the scheme is otherwise acceptable in terms of impact on the built environment, the individual also needs to establish the housing need through a Parish-wide Housing Need Survey and/or other credible evidence from choice based lettings registers such as Home Options. If there is credible evidence of a wider community need for housing, the applicant may be permitted to build more than one house.

35. Under the heading of Unsatisfactory Accommodation para 6.20 of the DMP explains that Housing Authorities have some discretion over what is considered unsatisfactory. In this area, accommodation is considered unsatisfactory when it is in poor condition or lacking in basic facilities. It is also common that accommodation is unsatisfactory because it is too small for the size of the household and is too expensive for the household to sustain. Affordability is often the reason why people are unable to set up a household for the first time. The degree of priority given to a person when properties are allocated through choice based lettings schemes such as Home Options is determined by the Housing Authority (see Appendix 7: Registering a housing need). They assess whether a person's claim of unsatisfactory accommodation justifies allocation of a property. A variety of choice based letting systems are used to assess and categorise people's housing need.

36. Under the heading of Size of Affordable Housing Para 6.51 explains that where affordable houses are built, it is considered that the smaller the area of land taken up by each house, the lower the value of the house will be on completion, and in perpetuity.

### 37. DMH1 – New Affordable Housing

E. Affordable housing will be permitted in or on the edge of Core Strategy policy DS1 settlements, either by new build or by conversion; and outside of Core Strategy policy DS1 settlements by conversion of existing buildings provided that:

- (i) there is a proven need for the dwelling(s); and
- (ii) any new build housing is within the following size thresholds:

- Number of bed spaces and Maximum Gross Internal Floor Area (m<sup>2</sup>)
- One person 39
- Two persons 58
- Three persons 70
- Four persons 84
- Five persons 97

B. Starter Homes will be permitted as part of a development of housing to enhance a previously developed site.

C. Self-Build and Custom Build housing will be permitted on rural exception sites in accordance with Part A regarding proof of need and size thresholds.

### 38. DMH2 First occupation of new affordable housing

In all cases, new affordable housing must be first occupied by persons satisfying at least one of the following criteria:

(i) a person (and his or her dependants) who has a minimum period of 10 years permanent residence in the Parish or an adjoining Parish inside the National Park and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or

(ii) a person (and his or her dependants) not now resident in the Parish but having lived for at least 10 years out of the last 20 years in the Parish or an adjoining Parish inside the National Park, and is currently living in accommodation which is overcrowded or otherwise unsatisfactory; or

(iii) a person who has an essential need to live close to another person who has a minimum of 10 years residence in a Parish inside the National Park, the essential need arising from infirmity.

### 39. DMH11 Section 106 Agreements

Section 106 Agreements will be applied to housing developments as follows -

#### **Affordable housing**

B. In all cases involving the provision of affordable housing, the applicant will be required to enter into a Section 106 Agreement, that will:

1. restrict the occupancy of all affordable properties in perpetuity in line with policies DMH1, DMH2 and DMH3; and
2. prevent any subsequent development of the site and/or all affordable property(ies) where that would undermine the Authority's ability to restrict the occupancy of properties in perpetuity and for the properties to remain affordable in perpetuity.

40. The Development Management policies define rural exceptions sites as Development on previously undeveloped land, and as an exception to the otherwise restrictive policies that limit development in the National Park. In the context of this plan, exception sites are generally developed for affordable housing in perpetuity to address local housing need.

#### **Assessment**

#### **Is the site one which is in an acceptable location for Local Needs Affordable Housing**

41. The provisions in the development plan for such development are in Core Strategy Policy DS1, HC1 and DMH1. These allow in principle Local Needs Affordable Housing in or on the edge of named settlements. However this proposal is contrary to those policies as it is in the open countryside well beyond the edge of the village.
42. Tideswell is a DS1 named settlement. Development plan policy DMC4 sets out how to determine if a site is within, on the edge, or outside settlement limits. Part A requires planning applications to provide sufficient information to allow proper consideration of the relationship between a proposed development and the settlement's historic pattern of development including the relationship of the settlement to local landscape character. The siting of the development should complement and not harm the character of these settlements. Part B sets out that development that is separated from the existing settlement to such a degree that it no longer forms part of the whole or is likely to result in the pressure to infill an intervening gap will not be permitted.
43. This site's location is approximately 100m to the north of the edge of the existing settlement. Relating this to landscape features this is approximately 2 fields away from the existing edge of the settlement so is clearly not within or on the edge of Tideswell. To take an alternative view would set a precedent for development at this remote distance from settlement edges at other sites in future.
44. It is acknowledged that there is a bungalow near the site. The planning history shows that a consistent view has been taken that this bungalow is outside of the settlement. The presence of a remote bungalow near the application site does not mean that the application site is within a settlement, or that further development beyond the edge of the settlement is appropriate in policy terms.

45. The planning history shows that a position has been maintained that the site itself is beyond the edge of the settlement and not suitable for affordable housing. It is separated from the existing settlement to such a degree that it no longer forms part of the whole and would likely result in pressure to infill the intervening gap contrary to policy DMC4.
46. Allowing development at the proposed site would not compliment the historic pattern of the development in Tideswell, it would harm it, and would lead to further pressure for linear development from the village up to the site. This would create growth of the settlement into the undeveloped open countryside outside of the named settlement.
47. The proposed site being in the general countryside is clearly contrary to the provision of the development plan which allow of Local Needs Affordable Housing, it is therefore contrary to Core Strategy policy DS1 and Development Management Policies DMH1, DMC4(B) and the NPPF (para 77, 78, 79 and Para 172). Consequently the recommendation is one of refusal irrespective of any local need for the dwelling.

**Whether there is justification for the proposed local needs affordable house and whether the proposed dwelling is in accordance with HC1 and DMH1?**

48. This proposal is for Local Needs Affordable House (a rural exception) on undeveloped/Greenfield land. Whilst there is a shed on the site the planning history reveals that it was in use as part of the horticultural use of the site by the adjoining property. Horticulture falls within the definition of agriculture so the site is classed as being undeveloped land. Due to the size of the shed its demolition would not require planning permission this is because it is under 50m<sup>2</sup> and therefore its demolition would not be classed as development in itself.
49. Our policies are designed to meet the wider needs of the community of the National Park as a whole, while conserving and enhancing the National Park. Policy is not designed to meet the needs of individuals where that need is not aligned with the need of the wider community and the over-riding legal responsibility to conserve and enhance the National Park. Opportunities for the provision of new housing in the National Park are extremely limited and this is why our policies must be robust to deliver the right outcomes for the National Park and its communities in those limited opportunities that exist. The robust application of policy is needed to maintain public confidence in the delivery of housing in the opportunities that exist.
50. This proposal is for a single dwelling and therefore the justification provided for consideration is on an individual basis rather than via a parish housing needs survey (which would be the requirement for more than a single home). The case that has been made is that the applicants currently reside in the adjoining parish of Litton in a dwelling which they own but which is no longer suitable due to one of the applicant's personal circumstances.
51. 'Home Options' having assessed the need have registered the households type as a family with two children who should not share and that their bedroom need is for 3 bedrooms. Relating this back to our own policies in the Development Plan (DMP DMH1) this equates to a 4 person home with a size of 84m<sup>2</sup>.
52. As submitted the dwelling was well in excess of this size threshold (at approximately 120m<sup>2</sup>) which exceeded the maximum size for a 5 person house. So this would not have met with the criteria of DMH1 as (i) there would not have been a proven need for such dwelling and (ii) it would have exceeded the size thresholds. This has since been revised to 84m<sup>2</sup> to a size which reflects the needs of the individual household.

53. The applicants have made a case why they would prefer this 84m<sup>2</sup> to be laid out with 4 bedroom rather than 3. We can be flexible on this within the size threshold for a 4 person home. The amended plans being within the 84m<sup>2</sup> provide a dwelling of a size which is justified if the needs case is accepted for the household and for the need for a new dwelling because for example no others are available for the household to occupy.
54. The applicants in their planning statement have provided details of what they can afford. The applicants agent has explained that no suitable properties have become available on the open market or via Home Options at the current time. It should be noted however that they have only just been upgraded to a higher band as set out below which has given them a greater likelihood of finding a dwelling through Home Options.
55. The Authority have been provided with the applicants 'Home Options' application and outcome in which they were allocated Band B at the end of November. It is therefore clear that the applicants have a need. This was upgraded from a band D allocation and they are now in a position that if a property becomes available via 'Home Options' then because of the increased priority they are more likely that their bids would be successful on such a property.
56. The applicant's proposal is for a new local needs affordable dwelling beyond the edge of Tideswell. They have chosen this site because they own it, having purchased it previously in the hope they may one day be able to build a dwelling on the site. They have also been advised via pre-application advice that the site is not suitable for a local needs dwelling as it is outside of Tideswell. Similar advice was given to the previous owner before it was sold to the applicants. Despite that advice they have chosen to pursue this application.
57. The needs case the applicants have put forward is accepted because they are currently in unsatisfactory accommodation as the dwelling they have is now too expensive for the household and having put this case forward to the housing authority (via Home Options) they have been accepted on the housing register, now in priority Band B. They are essentially downsizing to an adjoining parish. To date they have reported no success in finding alternative accommodation which they can afford on the open market or via home options. It should be noted however that they were on the lower priority band until they were recently upgraded to priority Band B in Home Options which will now boost the likelihood of finding a home via Home Options.
58. Although the applicants have now established a housing need for an affordable home, the proposal is still unacceptable on strong policy and landscape grounds due to its location in the open countryside. This is because the exception provision in the Development Plan for new build Local Needs Affordable dwellings only exists where the site is in or on the edge of named settlements identified in policy DS1.

**Whether the proposed occupants meet the local occupancy criteria for first occupation of new affordable housing?**

59. The applicants have made their case via the occupancy criteria under DMH2(i) in which there is a provision for first occupants where they meet the following criteria.
- C. a person (and his or her dependants) who has a minimum period of 10 years permanent residence in the Parish or an adjoining Parish inside the National Park and is currently living in accommodation which is overcrowded or otherwise unsatisfactory.*

60. The application includes description of the applicants various residences. It includes over 10 year in the last 20 years in the adjoining parishes to Tideswell. And this would qualify them as first occupants of the proposed affordable dwelling. Evidence of the claimed residence in the parish or adjoining has been requested, and more details have been provided including addresses and proof of residence at these addresses.
61. We already know from the previous section of this report that the existing accommodation is considered to be unsatisfactory. They have been accepted by 'Home Options' as band B priority. So officers are satisfied that they would meet the occupancy criteria for first occupants set out in DMH2(i).
62. This cannot however override the more fundamental issues with the proposed location being in the general countryside and therefore the proposed development being unacceptable in principle.

**Whether the proposed dwellings are of a size and type which would be likely to remain affordable in perpetuity?**

63. The submitted design and access statement explains that the applicant would enter into the S106 legal agreement as required by policy DMH11. This would ensure the property remains available for local needs and therefore more affordable than an unrestricted open market dwelling by virtue of the restricted market.
64. The revised proposal is for a property of 84m<sup>2</sup> to a size which reflects the actual needs of the individual household. The applicant would prefer this to be laid out with 4 bedroom rather than 3, which is acceptable. The size of the property is in accordance with policy.
65. The size of the plot is too large to optimise the affordability of the dwelling in perpetuity or to be an efficient use of land. This has been discussed with the applicant during the course of the application.
66. Notwithstanding the location of the site is wholly unacceptable being beyond the edge of the settlement, there is a policy requirement under housing and sustainability policies to make efficient use of land and maximise the affordability of the properties in perpetuity potentially by providing more units on the site and them being of a more affordable design for example semi-detached.
67. The dwelling proposed is a detached four bedroom house in a large plot in the open countryside of the Peak District National Park with a desirable location and outlook. None of these qualities optimise the affordability of the dwelling in perpetuity.
68. Para 6.51 of the Development management Policies explains that where affordable houses are built, it is considered that the smaller the area of land taken up by each house, the lower the value of the house will be on completion, and in perpetuity.
69. Having raised the issue of plot size with the planning agent they have shown an area of land to the side of the drive as orchard to be excluded from the residential curtilage and which they suggest would be on separate deeds if permission were granted. This we know from experience would not necessarily ensure that the two pieces of land were not effectively used together as domestic curtilage for the property and the house with a garden and orchard is considered unlikely to remain affordable in perpetuity.
70. Even with these changes this is still a substantial plot at 652m<sup>2</sup> as per the amended plans, and the housing density would be very low at approximately 15 dwellings per hectare.

71. Considering the above proposal is contrary to Core Strategy Policy CC1 as it is clearly an inefficient use of land and HC1 and DMH1 as it would not optimise the affordability of the housing in perpetuity. This represents a further strong policy reason for refusal irrespective of the substantive reason for refusal being the site lies in the countryside beyond the edge of the village.
72. Had the proposal been otherwise acceptable then we would have suggested a condition removing permitted development rights for extensions, alterations and outbuildings to ensure that such development would not have undermined the affordability of the proposal or increase its impact on the landscape.

Design, siting and landscape impact.

73. As set out earlier in this report the site is outside of, and well beyond the edge of the settlement and the proposed site is therefore wholly unacceptable for the proposed dwelling.
74. The design tries to reduce the impact of the proposed dwelling by making it appear like a converted barn, which results in an imitation of a barn conversion which lacks integrity, contrary to the Design Guide.
75. The size of the dwelling has been much reduced in the amended plans to ensure that it is within the size thresholds for affordable housing for a four person home.
76. What is of more concern is the impact of the development on its surroundings and the landscape character of the area.
77. This is because at present the site contributes positively to the character and appearance of the area by virtue of its contribution of trees to the landscape and its otherwise undeveloped nature, with the exception of the small shed which can only be seen at close quarters and is in such a dilapidated state it has nearly returned to nature.
78. The site is in the landscape character area of the 'White Peak' within the landscape character type of 'limestone plateau pastures'. This is described in the landscape character strategy and action plan as 'An upland pastoral landscape with a regular pattern of straight roads and small to medium sized rectangular fields bounded by limestone walls. Tree cover is mostly limited to occasional tree groups, or small shelter belts, allowing wide views to the surrounding higher ground'.
79. At this site the trees do contribute positively to the character and appearance of the area. There is a mix of native species on the site the largest of which are at the front of the site.
80. The proposal would result in 5 of these trees being felled. This includes 2 large sycamore (trees 02 and 03) at the front of the site which have been identified as having 20+ years contribution in fair and good condition. This would be a significant loss to the character and appearance of the area as these provide significant visual amenity contributing positively to the character and appearance of the area and the landscape character type.
81. Loss of these trees at the front of the site would also significantly open up the site to views from the east. Therefore the proposed dwelling would stand out more and detract from the character and appearance of the area appearing as an intrusive domestic building and use into the generally open and undeveloped landscape, exacerbating the

already unfortunate impact of the existing dwelling on the adjacent site.

82. It is noted some limited replacement planting of three heavy standard trees is shown on the amended plans. This however would not mitigate the harmful impact of the proposal on the character and appearance of the area or the National Park Landscape.
83. The proposed dwelling would have a harmful impact on the character and appearance of the area and the National Parks Landscape. The proposal is therefore contrary to Core Strategy Policies GSP1, GSP3, L1 Development Management Policies DMC3, DMC4, DMC13B and the NPPF (para 172)

#### Residential Amenity

84. The proposed dwellings would have one neighbouring property to the north. The gable end which faces this property is blank with no openings and is positioned on the plot in a way which would not be overbearing on the adjacent property. The site would provide generous amenity space for the occupants do there are no issues of amenity for either the proposed dwelling or neighbouring properties.

#### Trees and protected species

85. A tree survey has been submitted and this has been considered by the PDNPA tree officers. They have no objection to the loss of the trees in purely aboricultural terms subject to planting 3 replacements.
86. If approved planning conditions could ensure that the replacement trees are planted and the rest of the trees protected during works as per the tree survey. This would ensure the proposal complies with DMC13 in this regard. This also accords with a protected species survey that was undertaken which found no protected species, recommended felling of trees outside the bird nesting season and planning of replacement trees.
87. However, Planning officers have already found the loss of the trees to be unacceptable in landscape terms because of the contribution they make to the attractiveness of the open countryside earlier in this report which means that the proposal is contrary to DMC13 in this regard.

#### Utilities

88. Had the principle of development here been acceptable then officers would have suggested a planning condition to ensure that new utilities infrastructure is installed underground. This would ensure the proposal is in accordance with Policy DMU2. However, whilst there is a house next door we have not investigated the suitability of services and it should be remembered such a condition would only protect the immediate land in ownership and not prevent, for example, new overhead lines outside the site to provide or reinforce a service.

#### Environmental Management

89. Some details of environmental management measures have been provided, including air source heat pump the possibility of integrated pv roof tiles such as those made by Tesla. Again had the dwelling been acceptable in other regards these details could have been secured by planning conditions which require submission and implementation of such details.

### Highways

90. The Highway Authority has been consulted and have no objections to the subject to conditions.

### Conclusion

91. The site is located in the countryside well beyond the edge of Tideswell and the proposal for a new build house on this Greenfield site is therefore unacceptable in principle. The proposed development would also have an adverse impact on the character and appearance of the area and the landscape of the National Park. The applicants have established a local need for an affordable house but this does not override the normal strong policy position against building new houses in the open countryside. The relatively large plot size results in a housing density of approximately 15 dwelling per hectare which is very low and therefore represents an inefficient use of land. Due to the combined factors of the plot size, location and detached nature of the house, the proposal would not optimise the affordability of the dwelling in perpetuity. The proposal is therefore contrary to the policies of the development plan including Core Strategy policies DS1, GSP1, GSP3, L1, HC1, CC1 and Development Management Policies DMC3, DMC4, DMC13, DMH1 and the NPPF (para 77, 78, 79 and Para 172) and is recommended for refusal.

### Human Rights

92. Any human rights issues have been considered and addressed in the preparation of this report.

### List of Background Papers (not previously published)

93. Nil
94. Report Author:  
Steven Wigglesworth, Planner, 5 December 2019.